

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ANTHONY MILLER,

Plaintiff,

- against -

THE CITY OF ROCHESTER, MARYROSE
M. WENGERT AND EARL G. WENGERT,
AS CO-EXECUTORS OF THE ESTATE
OF NOLAN WENGERT (deceased),
DARYL HOGG, JAYSON PRINZI,
DANIEL WATSON, and “JOHN DOE”
RPD OFFICERS 1-10,

Defendants.

22-cv-6069 (FPG)(MWP)

**ATTORNEY DECLARATION IN
OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY
JUDGMENT**

ELLIOT D. SHIELDS, hereby declares under penalty of perjury and pursuant to 28
U.S.C. § 1746 that the following is true and correct:

A. I am the attorney for the Plaintiff, Anthony Miller (“Mr. Miller”), in this case and
as such I am fully familiar with the facts and circumstances of the case. I submit this declaration
in opposition to Defendants’ motion for partial summary judgment.

B. A true and correct copy of the following documents are attached as exhibits are
attached hereto:

Exhibit 1 – Excerpts of Transcript of Court of Claims Trial (August 1-2, 2024)

Exhibit 2 - Brooklyn Cromes Rochester Police Department Job Card

Exhibit 3 – Excerpts of Deposition Transcript of Officer Daryl Hogg

Exhibit 4 - T-Mobile Phone Records for Aaron Hinds

Exhibit 5 - AT&T Cell Tower Records for Aaron Hinds

Exhibit 6 - Decision and Order of Judge Odorisi in Miller v. State of New York

Exhibit 7 - Excerpts from Criminal Trial Transcript

Exhibit 8 - Incident Report of Officer Jason Prinzi

Exhibit 9 - Expert Report of Dr. Charles Goodsell

Exhibit 10 - Recording of 911 Call

Exhibit 11 - Anthony Miller Rochester Police Department Job Card

Exhibit 12 - Police Radio Communications Recordings

Exhibit 13 - Excerpts of Deposition Transcript of Officer Jason Prinzi

Exhibit 14 - Excerpts of Deposition Transcript of Officer Daniel Watson

Exhibit 15 - People v. Miller, 191 A.D.3d 111 (4th Dept. 2020)

Exhibit 16 - Police Canine Tracking Sheet

Exhibit 17 - Incident Report of Investigator Nolan Wengert

Exhibit 18 - Excerpts of Probable Cause Hearing Transcript

Exhibit 19 - Recording of September 26, 2013 Jail Call

Exhibit 20 - Excerpts of Section 50-h Hearing Transcript

Exhibit 21 - Excerpts of Deposition Transcript of Aaron Hinds

Exhibit 22 - Find My iPhone Investigation Report by Investigator Wengert

Exhibit 23 - Grand Jury Proceeding Transcript

Exhibit 24 - January 6, 2014 Hearing Transcript Denying Late Notice of Alibi

Exhibit 25 - September 9, 2014 Trial Rescheduling Transcript

Exhibit 26 - Google Maps Route Documentation

Exhibit 27 - Affirmation of Reynaldo DeGuzman

Exhibit 28 - Demonstrative Video of DeGuzman Running Route

Exhibit 29 – Excerpts of Deposition of Anthony Miller

Exhibit 30 – 2010 Police Report re stolen iPhone

Exhibit 31 – 2010 Field Information Form (“FIF”) regarding stop of Anthony Miller, Aaron Hinds and three of their friends for “loitering” on the sidewalk.

Exhibit 32 –Prisoner Data Report regarding May 2, 2013 arrest of Anthony Miller by Defendant Jason Prinzi for Disorderly Conduct for using “obscene language.”

Exhibit 33 – Consent to Search form signed by Aaron Hinds

Dated: New York, New York
January 9, 2025

Respectfully Submitted,
ROTH & ROTH LLP

By: ~s/~
Elliot Dolby Shields, Esq.
Counsel for Plaintiff
192 Lexington Ave, Suite 802
New York, New York 10016
Ph: (212) 425-1020

To: All parties (via ECF)